

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

W. CURT TAYLOR

CIVIL ACTION NO. 04-464

VERSUS

JUDGE S. MAURICE HICKS, JR

NORTH BIENVILLE PARISH FIRE
PROTECTION DISTRICT, ET AL

MAGISTRATE JUDGE HORNSBY

MEMORANDUM RULING

Before the Court is a “Cross-Motion for Summary Judgment on the Basis of Qualified Immunity” filed by Defendants Jimmy Moss, Johnny Stanley and Edward Magee [Doc. No. 43]. Plaintiff has sued the North Bienville Parish Fire Protection District, et al, pursuant to 42 U.S.C. § 1983 and Louisiana state law contending that he was denied due process of law when he was terminated from his position as chief fireman for the North Bienville Fire Protection District (“the District”). Defendants Moss, Stanley and Magee are volunteer Board members for the District. They have moved for summary judgment on the basis of qualified immunity. While Plaintiff opposes the motion, he concedes that these Defendants are only being sued in their official capacities. Accordingly, the Defendants’ motion [Doc. No. 43] is **GRANTED** to the extent that Plaintiff’s claims against them in their individual capacities. However, since qualified immunity does not extend to Plaintiff’s Section 1983 claims against Moss, Stanley and Magee in their official capacities, the motion is **DENIED** as to those claims.

Therefore:

IT IS ORDERED that the Defendants’ motion [Doc. No. 43] be **GRANTED** as to Plaintiff’s claims against Defendants Jimmy Moss, Johnny Stanley, and Edward Magee, in their individual capacities, which claims are hereby **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that the Defendants' motion [Doc. No. 43] be **DENIED** as to Plaintiff's claims for injunctive or declaratory relief against Defendants Jimmy Moss, Johnny Stanley, and Edward Magee, in their official capacities.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 1st day of March, 2006.



S. MAURICE HICKS, JR.
UNITED STATES DISTRICT JUDGE